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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/656,264	09/06/2000	Richard Mark Schwartz	99-469	9095
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32127 7590 05/12/2006

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,264

Applicant(s)

SCHWARTZ ET AL.

Examiner

Michael N. Opsasnick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 31-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-30, 53-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-30,53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta (6122361) in view of Kahn (6122614) in further view of Schwartz et al (6668044).

As per claims 1,17,21,29,30,53,54 and 55, Gupta (6122361) teaches an automated directory assistance system (abstract) comprising:

“a speech recognition module.....audible request” as generating scripts from input speech (col. 6 lines 35-50);

“a listing retrieval module.....transcript” as generating a list → fig. 3, subblocks 404-406;

“an accept/reject module.....caller” as reworking the list (Fig. 3, subblock 416) and selecting the top 3 candidates (Fig. 3, subblock 418).

Although Gupta (6122361) teaches generating a list, Gupta (6122361) does not explicitly teach generating a transcript; however, Kahn (6122614) teaches the operator generating transcripts of the user input (Kahn (6122614), col. 8 lines 20-40). Therefore, it would have been obvious to one of ordinary skill in the art of operator system based services at the time the invention was made to modify the teachings of Gupta with operator based transcriptions because it would advantageously allow for editing of unmatched speech (Kahn (6122614), col. 2 lines 50-60).

The combination of Gupta (6122361) in view of Kahn (6122614) teaches using the transcript (Gupta (6122361), Fig. 3, dotted arrow off of 402) coming from the utterance (Fig. 3, subblock 400)), however, does not explicitly teach storing the transcript to be used as a query; Schwartz et al (6668044) teaches access an archive for a database query (Fig. 7, subblocks 210, 212, and 214). Therefore, it would have been obvious to one of ordinary skill in the art of telephonic communications at the time the invention was made to modify the combination of Gupta (6122361) in view of Kahn (6122614) with stored transcripts access a database because it would advantageously track information associated with the caller and the callee (col. 11 lines 45-55).

As per claim 2, Gupta (6122361) teaches a large speech recognizer (col. 8 lines 11-15);

As per claims 3,10,18,19,26, Gupta (6122361) teaches using acoustics and grammar models (col. 2 lines 28-32).

As per claims 4,11,25, Gupta (6122361) teaches the use of probability statistics (col. 2 lines 28-32).

As per claims 6,22, Gupta (6122361) teaches reordering and ranking (Fig. 3, subblock 416).

As per claims 7,12,23,27, Gupta (6122361) teaches acceptance/rejection based on a recognized word from the listing (fig. 2).

As per claims 8,24,28, Gupta (6122361) teaches transference to a human operator upon rejection (col. 8 line 65 – col. 9 line 3).

As per claim 9, Gupta (6122361) teaches a training system to configure the recognition modules as using orthographies that are configured/trained by certain utterances based on geography (col. 2 line 6-25) or as a first pass search (col. 2 lines 45-50, and col. 12 lines 38-44).

As per claim 13, Gupta (6122361) teaches generating transcripts based upon a priori probabilities and histograms (Fig. 3, subblocks 408,412).

As per claim 14, Gupta (6122361) teaches creating loose grammars and training the transcript according to the grammar (col. 2, lines 28-32)

As per claim 15, Gupta (6122361) teaches acceptance/rejection based upon recognition (fig. 2).

As per claim 16, Gupta (6122361) teaches a verification/correction module to a human for verification (col. 8 line 60 - col. 9 line 3).

As per claim 20, Gupta (6122361) teaches identifying words and telephone numbers (col. 10 lines 1-11).

Response to Arguments

3. Applicant's arguments filed 2/27/2006 have been fully considered but they are not persuasive. As per applicant's arguments on page 8 to the middle of page 9 of the response (and pages 16-17 of the response), (pertaining to presenting a telephone number to a caller, and connecting a caller to the called party), examiner respectfully disagrees and notes that the referred to list in subblocks 416 and 418 of Gupta is a list of possible localities to be used for the automated directory assistance (col. 9 line 10-15) for the purpose of presenting a phone number to a caller, and that the listing of possible candidates is a list of potential matches. It is old and

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notoriously well known that in partial or fully automated directory assistance systems to 1) present a telephone number corresponding to a request for a listing and 2) to offer a connection for the caller to a called party listing.

As per the argued claim features common to claims 7,12,23, and 55 (on page 9 of the response), examiner notes that these features have been addressed using the gupta reference (Fig. 2, wherein Fig. 2 shows an input speech signal being scored and matched to words in the dictionary – see accompanying discussion of Fig. 2 in the Gupta reference located in col. 6 line 51 – col. 9 line 37).

On pages 10-13 of the response, applicant presents arguments toward the claim limitations pertaining to the use of a transcript as a query into a database to retrieve a listing. The examiner will present rebuttal arguments as follows:

In paragraph 2 on page 11 of the response, applicant addresses the Kahn reference, and argues that Kahn does not teach or suggest “using transcript of requests as queries into a database to retrieve listings”. Examiner notes that the Kahn reference is only introduced to the generation of transcripts, and that the combination of Gupta in view of Kahn teaches a listing with a corresponding transcript (and that the three way combination of Gupta in view of Kahn in further view of Schwartz teaches ‘using transcripts of request as queries into a database to retrieve listings’). Continuing to paragraph 3 on page 11 of the response, and following into the 2nd paragraph (first full paragraph) on page 12 of the response, applicant’s argue that Gupta does not teach either “using a transcript of a request to retrieve a listing” or to search the speech recognition

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dictionary. Examiner notes that it is the combination of Gupta in view Kahn that is used to teach a listing with a corresponding transcript.

In paragraph 3 on page 12 following into page 13 of the response, applicants address the combination of Gupta in view of Kahn (as well as on page 14-15, subtitled 'Improper Combination of References'. Examiner respectfully disagrees and argues that the Gupta reference is concerned about speech recognition or the matching of input speech to a word(s) that is located in a word recognition database. Furthermore, Gupta passes an unclear request to a human operator for further clarification. The Kahn reference is all about operator assisted transcriptions, which is the common elements between Kahn and Gupta. The Kahn reference gives the added benefit of editing unmatched speech, as noted in the rejection. As to the allegation the Kahn would render the Gupta acoustic scoring useless, examiner strongly disagrees and notes that not only would the Kahn reference not destroy the Gupta reference, the Kahn reference would enhance the scoring of Gupta with an added transcription to improve the accuracy of recognition process.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
5/11/06


Michael N. Opsasnick
Examiner
Art Unit 2626